

**MINUTES OF A MEETING OF THE EXECUTIVE
HELD AT FOLLATON HOUSE ON THURSDAY, 8 JANUARY 2009**

MEMBERS

* Cllr R J Tucker - Chairman

* Cllr P W Hitchins - Vice-Chairman

* Cllr N A Barnes

* Cllr H D Bastone

* Cllr B E Carson

* Cllr T J Hewitt

* Cllr M J Hicks

* Cllr M F Saltern

* Denotes attendance

Also in attendance at the invitation of the Chairman:

Cllrs K J Baldry, J Brazil, R M Lawrence, C M Pannell, J T Pennington and J W Squire

Also in attendance but not participating:

Cllrs J I G Blackler, B F Cane, R D Gilbert, M J Howarth, D W May,
M Stone and R J Vint

Officers in attendance:

All Agenda Items: Chief Executive, Strategic Director (Community), Strategic Director (Resources), Monitoring Officer, Senior Member Support Officer and, Corporate Director (West Devon Borough Council);

Item 7 (minute E.91/08 below refers): Economic Development Officer;

Item 8 (minute E.92/08 below refers): Community Development Assistant and Policy Implementation Officer;

Item 9 (minute E.93/08 below refers): Head of Property Services and Head of Landscape and Leisure.

E.87/08 MINUTES

The minutes of the meeting of the Executive held on 4 December 2008 were confirmed as a correct record and signed by the Chairman.

E.88/08 MEMBERS IN ATTENDANCE

It was noted that the following Members were in attendance and participated during the discussion on the under-mentioned items:-

Item 8 (minute E.92/08 below refers) – Cllrs Baldry and Lawrence;
Items 8, 9 and 10 (minutes E.92/08, E.93/08 and E.94/08 below refer) – Cllr Brazil;

Items 9 and 10 (minutes E.93/08 and E.94/08 below refer) – Cllr Squire;

Item 10 (minute E.94/08 below refers) – Cllr Pannell;

Items 10, 11 and 12 (minutes E.94/08, E.95/08 and E.96/08 below refer) – Cllr Pennington.

E.89/08 DECLARATIONS OF INTEREST

Members were invited to declare any interests in the items of business to be considered during the course of the meeting but none were made.

E.90/08 PUBLIC QUESTION TIME

It was noted that no public questions had been received.

E.91/08 ORAL UPDATE FROM THE EXECUTIVE MEMBER FOR PROSPERITY – ACTIONS BEING TAKEN BY THE COUNCIL TO MITIGATE ECONOMIC DOWNTURN

In light of the current tough economic climate, the Executive Member for Prosperity outlined what the Council was doing to support local businesses and residents. This was recorded as follows:-

Council Tax – the Council was proposing to freeze its portion of Council Tax for 2009/10 at the level currently charged and it was hoped that other agencies would follow suit.

Car Parking – it was proposed that car park pay and display charges would not be increased for 2009/2010. Furthermore, a concessionary residents' parking permit, to commence at the beginning of February 2009, would give residents free parking between 4pm and 10am in Council operated car parks.

Housing and Council Tax Benefit – those entitled to housing and / or council tax benefits were being encouraged to contact the benefits department as soon as practically possible.

Council Tax debt – those struggling to pay their Council Tax were also being encouraged to contact the Council's advice team sooner rather than later, before the situation got out of control.

Affordable housing – work was continuing with local partners to provide affordable housing. £1 million had been committed to purchasing more affordable homes to combat homelessness. Furthermore, the Council was continuing to look for new ways to provide additional affordable homes including a new affordable rural housing initiative. Moreover, rented accommodation was being provided at a more affordable cost through a 'discounted rent' scheme.

Housing Advice – those who believed they were at risk of being homeless were being encouraged to contact the Council as soon as practically possible. The Council could offer advice on preventing homelessness and assist in accessing private sector accommodation. Furthermore, the Council was aiming to reduce the number of people living in temporary accommodation and the number of households on the housing register.

Paying our bills quickly – the Council was helping small and medium businesses by aiming to pay invoices within ten days of receipt and to resolve disputed invoices as soon as practically possible.

Buying local – the Council was committed to supporting local businesses and encouraged staff to shop locally wherever possible.

Business Rates – advice on claiming business rate relief was available for local businesses from the Council.

Economic Development – the Council's Economic Development Unit was in a position to advise local businesses on a range of support services. Also, the Council supported the Citizens' Advice Bureau who could offer free advice to local residents experiencing financial or other problems. In order to reduce food miles, the Council was also encouraging its residents and businesses to shop locally.

In relation to the recent closure of the chain of Woolworth's stores, the Council was working in collaboration with the Citizens' Advice Bureau to provide drop-in sessions for those made redundant and offered assistance in claiming redundancy payouts.

Major Projects – the Council had made significant investment in local projects including –

1. £500,000 for the Watermark Building, Ivybridge;
2. £190,000 and £470,000 for employment units in Totnes and Dartmouth respectively;
3. £275,000 for Kingswear passenger ferry pontoon.

Furthermore, developers were being encouraged to deliver new employment and housing locally.

Attracting Investment – the Council had helped secure £3.6 million of European funding to support community-led projects across South Devon and negotiated contributions from developers to help the regeneration of Dartmouth and Ivybridge town centres.

The Council also worked to lobby the Government and other agencies to attract infrastructure investment, protect local communities and retain essential services, such as the Post Office network and telephone boxes.

Review of Local Government – the Council was working hard to ensure residents and local businesses did not lose out due to the proposed re-organisation of local government and therefore promoted the 'local' in local government.

In conclusion, the lead Executive Member acknowledged the cross cutting approach adopted by the Council to try and mitigate economic downturn. Moreover, gratitude was expressed to the Economic Development Team for all its assistance to local businesses.

E.92/08 SUSTAINABLE COMMUNITIES ACT – PROPOSED IMPLEMENTATION

A report was considered which sought approval to implement the Sustainable Communities Act through the Community Partnership Forum of the South Hams Strategic Partnership and the Council's Community Sounding Board, prior to formal consideration by Members. It was noted that the proposed plan to implement the Act could be the precursor to the devolvement of more power from central government and further engagement with local communities.

During discussion, specific reference was made to:-

- a) letters of representation received. The Leader of Council noted that a number of organisations and members of the public had been in contact encouraging the Council to implement this Act;
- b) the deadline to formulate proposals. It was confirmed that Councils had been invited to make proposals to central government by 31 July 2009;
- c) setting up panels of representatives. One of the criteria outlined by central government was that Councils must establish (or reorganise if they were already in existence) 'panels of representatives of local people'. As the Council had already established a Community Partnership Forum under the Strategic Partnership, a one-off event was to be scheduled in due course, where proposals for a sustainable community from local organisations and the Council could be discussed;
- d) confirmation that the process was likely to be open ended. A non-Executive Member requested assurance that the process was unrestricted to allow proposals to be progressed as they came forward. In response it was noted that this was a new process with little guidance available. However, it was anticipated that there would be opportunities to incorporate initiatives proposed after the 31 July 2009 deadline as part of subsequent submissions;
- e) the importance of achieving delivery. Although in support of implementing the Act, a non-Executive Member highlighted the importance of identifying achievable outcomes to ensure delivery;
- f) devolving services to Town and Parish Councils. A non-Executive Member highlighted the importance of devolving ownership of services to quality Town and Parish Council's. The pilot scheme with Stokenham Parish Council was highlighted, and should this prove to be successful, it was anticipated that other interested town and parish councils could follow suit.

RESOLVED

That the proposed implementation plan for the Sustainable Communities Act working in cooperation with the South Hams Strategic Partnership be agreed.

E.93/08 CAPITAL PROGRAMME MONITORING

Consideration was given to a report which advised Members of progress in relation to the approved capital programme for 2008/09 and 2009/10 as agreed at Council on 24 July 2008 (minute 40/08 refers). The capital programme for 2008/09 and 2009/10 was currently progressing at an appropriate pace, which indicated delivery within a two year time frame. The areas of most significant risk of slippage were those projects which relied on external grant, or were promoted by partners other than the Council.

In presenting the report, the Executive Member for Prosperity highlighted the various projects (as outlined within the presented report). During discussion on these projects, specific reference was made to:-

- a) the pool at Ivybridge Leisure Centre. Members were informed that the interim feasibility study report had been received from the consultants who had engaged with stakeholders to gain a 'wish list' of requirements. Options surrounding the feasibility of providing a competition pool were to be investigated and budget estimates would be reported back to the Council in due course;
- b) sports improvements. A non-Executive Member expressed concern that funding was not currently available to carry out replacement works for the tennis courts at Wembury. In response, Members were reminded that all projects had been prioritised by Members and at the time it was deemed that the Wembury tennis courts were not a priority. The capital programme was due to be reviewed by Members in spring 2009, and during this process, Members may re-evaluate the priorities of various projects. However, the Member expressed dismay that this project was being delayed further and requested its progression. In sympathy, a Member felt that it was important to look in detail at the needs of parishes as well as the district's towns. Members were then reminded that there were increasing pressures on the capital programme and when re-assessing projects, Members would have to consider value for money and the levels of funding available;
- c) working in partnership with Devon County Council to gain access to further funding streams. A non-Executive Member suggested the Council approach Devon County Council for grant funding for delivery of projects;

- d) replacement of Kingswear passenger ferry pontoon. A non-Executive Member questioned why the Council had invested in a pontoon which was utilised solely by a private company. In response, it was noted that it was a Council owned asset which had a binding legal agreement for the Council to maintain.

RESOLVED

That the progress made to date on the implementation of the approved Capital Programme be approved.

E.94/08 REVENUE BUDGET MONITORING 2008/2009

A report was considered which enabled Members to monitor income and expenditure variations against the approved budget for 2008/2009. It was noted that although the overall situation was satisfactory, the national economic climate was having a negative effect on the Council's income generating activities.

In discussion, reference was made to:-

- a) the concessionary bus fare scheme. Following a query, Members were informed that the Council had yet to be informed on whether the government was intending to claw back the under spend on concessionary bus fares by reducing the amount of grant available. It was anticipated that this information would be available by February 2009;
- b) trade waste. A non-Executive Member queried the downturn in demand for trade waste services questioning the involvement of new suppliers. In response, it was noted that although there were new suppliers in the market, it was felt that the downturn could mainly be contributed to a wet summer;
- c) community parks. Following a query, it was noted that the target of achieving external contributions for the parks service in the form of sponsorship was yet to be progressed;
- d) housing benefit subsidy. It was noted that due to an increase in the benefit case load an additional net cost of £34,000 had occurred. In response to a question it was stated that when this service was originally devolved to local government to operate, the government had agreed to reimburse 100% of the cost. However, over the years this had reduced to 99.5% and therefore the shortfall needed to be budgeted for each year. Numerous representations had been made to government over a number of years in an attempt to regain the 100% reimbursement;

- e) planning appeal. A non-Executive Member expressed concern in relation to the provision of £70,000 which had been incorporated into the accounts for consultancy costs arising from the Goveton wind farm public enquiry. It was felt that the Council should go for costs as this planning application had contravened planning policy and yet the developers were continuing with the appeal. In response, it was noted that there were no grounds for which the Council could go for costs as the developers had acted appropriately.

RESOLVED

That the forecast income and expenditure variations for the 2008/2009 financial year be noted.

E.95/08 EXEMPTION TO STANDING ORDERS RELATING TO CONTRACTS AND FINANCIAL

Members considered a report which advised on the exemptions to the Standing Orders Relating to Contracts and Financial Instructions carried out since the previous Executive meeting, in accordance with the procedure approved by Council (minutes 70/07 and 49/07 refer).

The report concluded by stating that the process for providing officers with approval for exemptions to the Standing Orders Relating to Contracts and Financial Instructions, in certain circumstances, provided more flexibility and the ability to react promptly to situations that arose.

In relation to the Sustainability Appraisal & Strategic Environmental Assessment of the South Hams Local Development Framework (LDF) Members were informed that the external advisors for the proposed appointment of sustainability consultants would be Enfusion.

In discussion of the maintenance dredging at Salcombe Harbour, it was noted that this pioneering technique of Water Injection Dredging was expected to have a durability of approximately 3 to 4 years.

RESOLVED

That the exemptions to the Standing Orders Relating to Contracts and Financial Instructions (attached at Appendices A and B of the presented report) be noted.

E.96/08 **REPORTS OF OTHER BODIES****RESOLVED**

That the following be received and that any recommendations contained therein be approved:

(a) Environment Policy Development Group – 16 December 2008**EPDG.11/08: BIODIVERSITY: STATUTORY OBLIGATIONS****RESOLVED**

1. That the proposals with the presented report enabled the Council to develop a response to statutory requirements in relation to biodiversity: and;
2. That the proposals to fund the recommended scoping exercise from the Land and Development Reserve be agreed.

(b) Scrutiny – 17 December 2009**SC.36/08: REVIEW OF NEW PROCEDURES FOR STANDARDS INVESTIGATIONS****RECOMMENDATION**

That the Council be **RECOMMENDED** that:-

- i) the membership of the Standards Committee be increased by:
 - one more Parish or Town Councillor (3 in total)
 - one more Independent Member (3 in total) whose term of office should be staggered to provide continuity
- ii) the Monitoring Officer be authorised to take all necessary steps to advertise for suitably qualified persons of good standing for appointment to these positions by Council.

(NOTE: THESE DECISIONS WILL BECOME EFFECTIVE FROM 5.00PM ON 19 JANUARY 2009, WITH THE EXCEPTION OF E.96/08 (b)) WHICH IS A RECOMMENDATION TO THE FULL COUNCIL MEETING ON 5 FEBRUARY 2009, UNLESS CALLED IN, IN ACCORDANCE WITH SCRUTINY PROCEDURE RULE 18).

(Meeting commenced at 10.00 am and concluded at 11.30 am).

Chairman